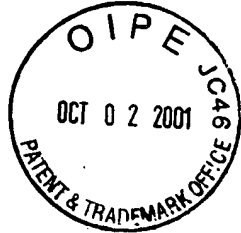


## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: JAY S. WALKER et al.

Serial No.: 09/850,328

Filing Date: May 7, 2001

For: METHOD AND APPARATUS FOR  
ESTABLISHING PRICES FOR A  
PLURALITY OF PRODUCTS

) Examiner: Not Yet Assigned

) Group Art Unit: 2161

) Attorney Docket No: 00-101

) Customer No.: 22927



## CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope with sufficient postage and addressed to: Box Assignment, Assistant Commissioner for Patents, Washington, D.C. 20231.

Dated: 09/28/01

By:

  
Michael D. Brinton

Box Assignment  
Assistant Commissioner for Patents  
Washington, D.C. 20231

**PETITION UNDER 37 C.F.R. 1.47(a)**  
**TO REQUEST ACCEPTANCE OF NATIONAL APPLICATION**  
**WITHOUT PARTICIPATION OF ONE OR MORE INVENTORS**

Sir:

Applicants request acceptance of the present application without participation of one or more inventors, which inventor(s) have either refused to join in the application or cannot be found or reached after diligent effort.

Relevant facts and proof

Applicants filed the present patent application on May 7, 2001. No Oath or Declaration was filed with the application on May 7, 2001.

Elizabeth Nicoulin, an inventor on the present application, was employed by Walker Digital until February 2, 2001, after which she accepted other employment. Her address at the time of her employment by Walker Digital was 16 Reboda Court, Norwalk, CT 06855.

On May 2, 2001, Applicants attempted to contact Elizabeth Nicoulin at what was then her last known address: 16 Reboda Court, Norwalk, CT 06855. Applicants were unsuccessful.

*Please see AFFIDAVIT OF MICHAEL BRINTON, AFFIDAVIT OF VERONIKA LELIEVER, and Exhibit A (Cover Letter Mailed May 2, 2001).*

To attempt to locate Elizabeth Nicoulin, Applicants contacted the parents of Elizabeth Nicoulin, and left a message on their answering machine requesting Elizabeth Nicoulin's new address and telephone number.

*Please see AFFIDAVIT OF MICHAEL BRINTON.*

The parents did not return the call, but Elizabeth Nicoulin called a few days after On May 22, 2001 to provide her new address (245 96th Street, Apartment B4, Brooklyn, NY 11209) and new telephone number.

*Please see AFFIDAVIT OF MICHAEL BRINTON.*

On the same day that Elizabeth Nicoulin provided Applicants with her new address, Applicants mailed her, inter alia, a copy of the present application and a declaration to sign. Elizabeth Nicoulin never returned the declaration nor anything else to Applicants, nor did she contact Applicants in any way.

*Please see AFFIDAVIT OF MICHAEL BRINTON, AFFIDAVIT OF VERONIKA LELIEVER, and Exhibit B (Cover Letter Mailed May 22, 2001).*

Several times after mailing the copy of the present application and the declaration, Applicants attempted to confirm receipt thereof by calling the telephone number

Elizabeth Nicoulin provided as her latest telephone number. She did not return any of those calls,

Since May 22, 2001, Elizabeth Nicoulin has not contacted Applicants in any way despite repeated attempts by Applicants to contact her.

Last known address(es) of the non-signing inventor(s)

The latest address of Elizabeth Nicoulin is:

245 96th Street  
Apartment B4  
Brooklyn, NY 11209

Oath or Declaration

Applicants have filed an oath or declaration signed by all the available joint inventors with the signature block of the non-signing inventor(s) left blank.

Petition Fee

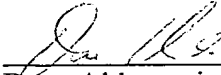
Please charge \$130.00 for this petition to our Deposit Account No. 50-0271.

Please charge any additional fees that may be required for this Petition, or credit any overpayment to Deposit Account No. 50-0271.

If an additional extension of time is required in addition to that requested in a petition for an extension of time, please grant a petition for that extension of time which is required to make this Response timely, and please charge any fee for such extension to Deposit Account No. 50-0271.

September 17, 2001  
Date

Respectfully submitted,

  
\_\_\_\_\_  
Dean Alderucci  
Attorney for Applicants  
Registration No. 40,484  
Walker Digital Corporation  
Five High Ridge Park  
Stamford, CT 06905-1326  
(203) 461-7337 / voice  
(203) 461-7300 / fax

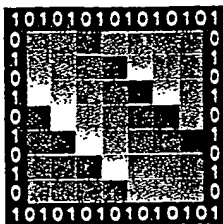


EXHIBIT "A"

**WALKER**  
*Digital*

May 2, 2001

Ms. Elizabeth Nicoulin  
16 Reboda Court  
Norwalk, CT 06855

**Re: Jay S. Walker et al. Docket No.: 00-101**

**Titled: "METHOD AND APPARATUS FOR ESTABLISHING PRICES FOR  
A PLURALITY OF PRODUCTS"**

Dear Elizabeth:

Enclosed please find a Declaration and Power of Attorney, Assignment of Rights, Title and Interest in Invention, and Application for the above-referenced case. Kindly sign and date, in blue ink, the Declaration and Power of Attorney and the Assignment where indicated with the post-it flags. Please remember that your signature on the Assignment must be notarized. Upon execution, please return the documents in the self-addressed envelope provided for your convenience. Should you have a need for assistance, please call me at (203) 461-7035.

Thank you for your cooperation.

Very truly yours,

Veronika S. Leliever  
Senior Patent Paralegal

Enclosures

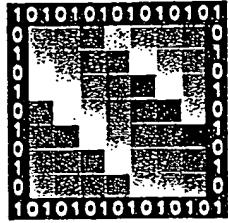
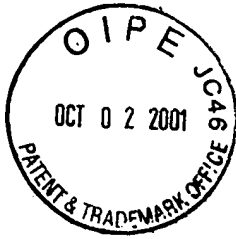


EXHIBIT "B"

**WALKER**  
*Digital*

May 22, 2001

Ms. Elizabeth Nicoulin  
245 96<sup>th</sup> Street  
Apartment B4  
Brooklyn, NY 11209

Re: Jay S. Walker et al. Docket No.: 00-101

**Titled: "METHOD AND APPARATUS FOR ESTABLISHING PRICES FOR  
A PLURALITY OF PRODUCTS"**

Dear Elizabeth:

Enclosed please find a Declaration and Power of Attorney, Assignment of Rights, Title and Interest in Invention, and Application for the above-referenced case. Kindly sign and date, in blue ink, the Declaration and Power of Attorney and the Assignment where indicated with the post-it flags. Please remember that your signature on the Assignment must be notarized. Upon execution, please return the documents in the self-addressed envelope provided for your convenience. Please note that the Application is for your reference only and is not to be included in the self-addressed envelope. Should you have a need for assistance, please call me at (203) 461-7035.

Thank you for your cooperation.

Very truly yours,

Veronika S. Leliever  
Senior Patent Paralegal

Enclosures

VSL: MDB